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Facebook Sues FTC in Bid to Keep Profiting Off Kids' Data

Meta Platforms — which owns Facebook, Instagram and WhatsApp — on Wednesday sued the U.S. Federal Trade Commission six months after the agency proposed an order that would prohibit the tech giant from monetizing minors' data.

By Common Dreams

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By Brett Wilkins

Meta Platforms — which owns Facebook, Instagram and WhatsApp — on Wednesday sued the U.S. Federal Trade Commission (FTC) six months after the agency proposed an order that would prohibit the tech giant from monetizing minors' data.

The lawsuit, which also names FTC Chair Lina Khan and Democratic Commissioners Rebecca Slaughter and Alvaro Bedoya as defendants, challenges what Meta claims is the agency's "structurally unconstitutional authority."

The legal action comes after the FTC in May proposed banning Meta from monetizing children's data, a practice regulators said violates the Children's Online Privacy Protection Act (COPPA).

The FTC proposal aims to strengthen a 2019 consent decree prohibiting Meta — then called Facebook — from profiting off data collected from minors.

As part of the settlement, the company agreed to pay a $5 billion fine for

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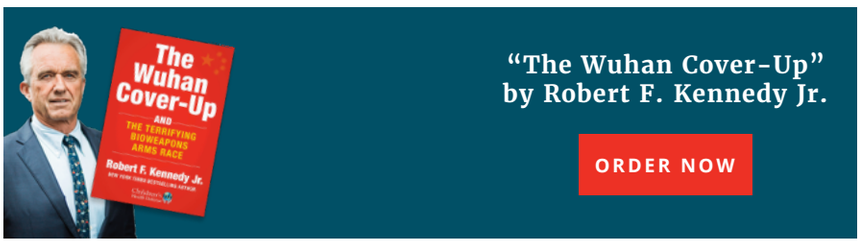
previous privacy violations.

Earlier this week, a federal judge denied a motion filed by Meta seeking the court's intervention in the company's dispute with the FTC.

"This is a blatant example of the company's ruthless profit-over-safety strategy," the Real Facebook Oversight Board, a watchdog group, said of the new lawsuit. "They claim they want regulation but when they realize their business model is threatened, they attack the regulator."



Emily Peterson-Cassin, digital rights advocate for the consumer advocacy group Public Citizen, said "Facebook made an agreement with the FTC, and now it doesn't want to face the consequences of possible violations of that agreement."

"It's beyond cynical for Facebook to launch a legal attack on the FTC's authority to enforce an agreement the company voluntarily entered into," she added. "Facebook is accused of hurting and exploiting kids; the public needs the FTC to get to the bottom of those accusations and hold Facebook liable for any and all violations, without delay."

U.S. Sen. Elizabeth Warren (D-Mass.) said Meta suing the FTC is "like Big Tobacco trying to gut the [Food and Drug Administration] because they didn't want to be held accountable for hooking kids onto nicotine."

"The FTC has been around for over a century now," Warren added. "This agency is constitutional and using its powers to apply the law as written."

Sen. Ed Markey (D-Mass) also weighed in on Meta's lawsuit, saying that "Meta's baseless lawsuit is a weak attempt to avoid accountability for its repeated failures to protect kids' privacy online."

"When a Big Tech company wants to take the federal cop off the beat, it's

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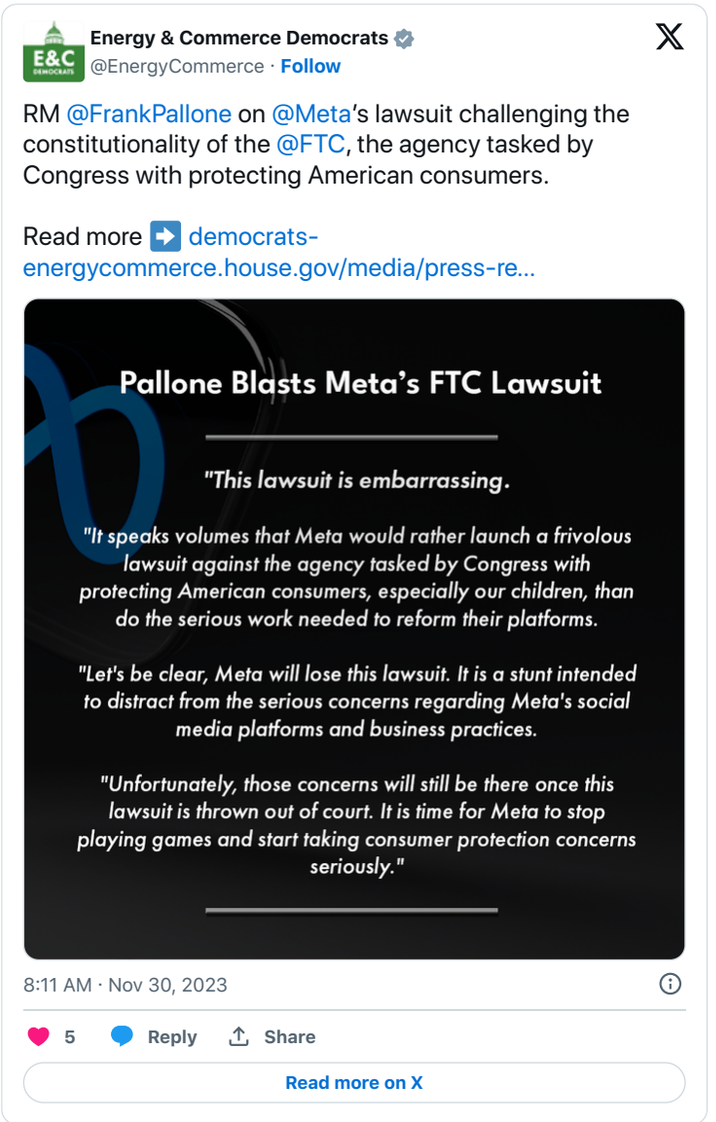
probably because it doesn't want to be caught," the senator added. "For years, Meta has been willfully ignoring the problems it has created — including a privacy crisis, a teen mental health crisis, and an algorithmic injustice crisis — and this lawsuit is just the latest craven distraction."



According to the children's advocacy group Fairplay:

> "Meta has posed a threat to the privacy and welfare of young people in the U.S. for many years, as it targeted them to further its data-driven commercial surveillance advertising system.
>
> "Scandal after scandal has exposed the company's blatant disregard for children and youth, with nearly daily headlines about its irresponsible actions coming from former-employees-turned-whistleblowers and major multistate and bipartisan investigations of state attorneys general.
>
> "Despite multiple attempts by regulators to contain Meta's ongoing undermining of its user privacy, including through multiple FTC consent decrees, it is evident that a substantive remedy is required to safeguard U.S. youth."

"While many have noted social media's role in fueling the mental health crisis, the Federal Trade Commission has taken actual meaningful action to protect young people online by its order prohibiting serial privacy offender Meta from monetizing minors' data," Fairplay executive director Josh Golin said in a statement. "So it's not surprising that Meta is launching this brazen attack on the commission."

"Anyone who cares about the well-being of children — and the safety of American consumers — should rally to the defense of the commission and be deeply concerned about the lengths Meta will go to preserve its ability to profit at the expense of young people," Golin added.

Katharina Kopp, director of policy at the Center for Digital Democracy, said that "for decades Meta has put the maximization of profits from so-called behavioral advertising above the best interests of children and teens."

"Meta's failure to comply repeatedly with its 2012 and 2020 settlements with the FTC, including its noncompliance with the federal children's privacy law (COPPA), and the unique developmental vulnerability of minors, justifies the FTC to propose the modifications of Meta's consent decree and to require it to stop profiting from the data it gathers on children and teens," Kopp stated.

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"It should not surprise anybody then that Meta is now going after the FTC with its lawsuit," she added. "But this attack on the FTC is essentially an attack on commonsense regulation to curtail out-of-control commercial power and an attack on our children, teenagers, and every one of us."

John Davisson, the litigation director at the nonprofit research group Electronic Privacy Information Center, asserted that "it seems there's no legal theory, however far-fetched, that Meta won't deploy to avoid a full accounting of its harmful data practices."

"The reason is clear," Davisson said. "A hearing before the FTC will confirm that Meta continues to mishandle personal data and put the privacy and safety of minors at risk, despite multiple orders not to do so."

"The changes FTC is proposing to Meta's exploitative business model can't come soon enough," he added. "We hope the court will reject Meta's latest attempt to run out the clock, as another federal court did just this week."

The FTC and Meta were already locked in a separate antitrust fight stemming from the agency's request for a federal court to force the company to sell Instagram and WhatsApp. That case has yet to go to trial.

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Brett Wilkins is a staff writer for Common Dreams.

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Frederick Lee
15 days ago

The article cites Fairplay: "Scandal after scandal has exposed the company's blatant disregard for children and youth, with nearly daily headlines about its irresponsible actions coming from former-employees-turned-whistleblowers..."

I guess so many people are addicted to facebook that they cannot boycott the platform for two minutes, much less two weeks, in protest of their unethical immoral targeting of minors. If you must use the platform, try not to click on any link that resembles an ad or product recommendation.
Unfortunately, to achieve the grand plan of suppressing familial and societal interactions requires the grand planners to rein in entities like facebook. (Another example is the 18th century Stamp Act. The tactics aren't new, just updated.) Divide and conquer. Rinse and Repeat. They just need enough of us to cooperate.

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